
AN INTERDISCIPLINARY STUDY ON THE LEGAL AND PSYCHOLOGICAL CHALLENGES OF MIGRANT WORKERS IN POST-PANDEMIC INDIA

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ABSTRACT

The COVID-19 crisis revealed the vulnerabilities of migrant workers in the socio-economic structure of the country. The lockdown and restrictions on mobility caused one of the largest mass migrations in independent India and highlighted gaps in labor regulation, social security protection, and portability of welfare. This article assesses the post-pandemic legal rights and challenges of migrant workers and their issues from a legal and psychological lens. Legally, the discussion engages with the changes from the Inter-State Migrant Workmen Act, 1979, to the Occupational Safety, Health and Working Conditions Code, 2020, and an incomplete territory for protection under the Code of Social Security, 2020. In spite of codification, numerous barriers remain in access, registration, and enforcement. Judicial intervention and constellated implementation of the “One Nation, One Ration Card” scheme, mandated by the Supreme Court, to assess the effects on welfare needs, are also discussed.

The most aggrieved group of people during the pandemic were the migrant workers, who faced severe trauma as they had faced unexpected job loss, stigmatization, and difficult journeys home without proper public or private transport; they had to walk on foot to their hometowns. Align with the job, they faced insecurity due to exclusion from health systems and housing, and social isolation that led to an increase in stress and negatively impacted mental health. The key point of the paper argues that a broader framework for the protection of migrants is needed, accounting for both legal entitlement and psychosocial well-being. Recommendations to this end include strengthening portability of social security, providing access to housing and healthcare, and allowing welfare policies to address mental health. The study, after due comparisons, concludes that India needs to change its laws to recognize its migrant workers as a temporary workforce to people with dignity, equality, and holistic protection in the post-pandemic world.

Keywords: migrant workers, labor law, post-pandemic challenges, social security, mental health, constitutional rights.

Research Objectives:

1. To critically assess the shifts in legal protections for migrant workers in India, beginning with the Inter-State Migrant Workmen Act (1979) to the Occupational Safety, Health and Working Conditions Code (2020), and the Code on Social Security (2020).
2. To identify persistent barriers to registration, access, and enforcement of migrant workers' rights and social security post-pandemic.
3. To assess the impact of judicial interventions and policy initiatives, such as "One Nation, One Ration Card", on welfare portability and inclusion.
4. To understand the psychological distress, trauma, and stress factors of migrant workers in the post-pandemic era, and to recognize mental health vulnerabilities and social exclusion.
5. To advise a framework that combines both law and psychological support based on past practices and international standards of migrant protection.

Research Questions

1. How well do the legal codes protect migrant workers compared to previous legislative frameworks?
2. What are the key challenges that migrant workers face in accessing housing, social protection, and healthcare in the post-COVID era?
3. To what extent do judicial decisions and schemes help improve functional portability and coverage of entitlements for migrant workers?
4. How have migrant workers' job loss from the pandemic or spread of disease, exclusion from social healthcare services, affected their mental well-being?
5. What new reforms are necessary, both legally and psychologically, to achieve comprehensive protection and integration of migrant workers into Indian society?

Hypothesis

1. Protection of migrant workers was codified in post-pandemic laws; still, substantial gaps remained in areas of portability, registration, and enforcement of those rights, leading to exclusion from various social security and welfare systems, such as healthcare.
2. The pandemic's dislocation, trauma, stress, and exclusion have not been addressed in current migrant welfare policies, and so explicit attention to mental health is required.
3. It is necessary to create better and new policies and reforms based on international standards to change the status of migrant workers as full rights-bearing citizens, consistent with constitutional guarantees.

Methodology

This research adapts an interdisciplinary approach, combining both legal doctrinal analysis and empirical evaluation of psychological impact.

Legal Analysis:

- Document Review: Detailed examination of relevant statutes, Hon'able Supreme Court decisions, and policy reports.
- Comparative Study: Comparisons with international conventions to benchmark Indian legal practice.

Empirical/Psychological Analysis:

Qualitative data collection:

- Literature review of studies on migrant mental health.
- Content analysis of newspaper reports, NGO surveys, and government data during and post-pandemic periods.

Case Studies: Illustrative documentation of lived experiences via interviews and secondary sources.

Mixed Recommendations:

Synthesis of legal findings and psychological needs to propose actionable reforms regarding welfare portability, mental health integration, and housing access.

1. Introduction

The migrant workforce is approximately 100 million workers, as stated by the International Labor Organization (ILO, 2021)¹. The large population of migrant workers in India increases overall economic development. The migrant population in India forms the backbone of the economy in various prominent sectors such as construction, manufacturing, domestic work, transportation, agriculture, and other service industries. These workers, though being an integral part of the system, remain invisible in mainstream policy-making, with their vulnerabilities being inadequately addressed in planning and government processes. The paper compounds this invisibility due to their work largely being in the informal and unorganized sector, without any written contract, legal protection, or social security.

The nationwide lockdown in 2020 set in motion by the COVID-19 pandemic showed these structural vulnerabilities, leading to a complete stop to almost all economic activity. The migrant population lost its ability to earn a living, and access to basic needs came to an end, almost overnight. There were no social protection measures in place for the migrant workers, resulting in the migrant workers starting their journey back from the urban areas to their rural hometowns, walking for hundreds of kilometers under extreme conditions (Srivastava, 2020)². The journey led to a humanitarian crisis, leading to deaths due to extreme exhaustion, accidents, and the unavailability of medical care. This, in turn, brought global attention to the plight of the Indian migrant workforce.

The current paper explored the effects of the pandemic on migrant workers from a legal and psychological perspective. Regarding the legal dimension, this paper has explored the legal framework in India, particularly with reference to the Occupational Safety, Health and Working Conditions Code, 2020, and the Code on Social Security, 2020. These laws recognize migrant workers in part, though the application and implementation of the laws are limited. An

¹ International Labour Organization. (2021). *ILO global estimates on international migrant workers*.

² Srivastava, R. (2020). Understanding circular migration in India during COVID-19. *Indian Journal of Industrial Relations*

ineffective inspection framework, a lack of seamless benefit portability, and insufficient inclusion of informal and self-employment migrants have led to systemic exclusion. Additionally, social security programs such as the Employees' Provident Fund (EPF) and Employees' State Insurance (ESI) fail to encompass a significant share of the mobile labor force. The legislative objectives often lack implementation in practice.

From a psychological perspective, the pandemic exacerbated the existing vulnerabilities that migrant workers faced concerning their mental health. The sudden loss of jobs and housing, separation from families, and discrimination in their destination countries amplified levels of stress, anxiety, and depression, sometimes resulting in suicidal behavior. Migrant workers were further named as "Virus carriers", deepening their social alienation and undermining their sense of dignity and belongingness. The absence of structured mental health interventions within migrant welfare systems meant that these psychological wounds remained largely unattended, extending their emotional distress long after lockdown ended.

In bridging the legal and psychological perspectives, this study attempts to provide a better understanding of how deficits in labor governance intersect with migrant workers' everyday experiences. The need for immediate policy action arises to enhance:

- (a) the inclusivity, enforceability, and transference of labor protections, and
- (b) mental health and social reintegration measures as part of urban employment and housing systems.

This multidimensional approach is necessary for India to bring together its reliance on migrant labor with the constitutional values of dignity, equality, and security of every worker.

2. Legal Framework for Migrant Workers in India

2.1 Pre-Codification Era

The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1970, has marked an extremely important attempt to protect the rights of India's growing migrant workforce. The legislation has been trying to regulate contractor-led recruitment, ensure proper and equal wages between local and migrant laborers, and has mandated key welfare provisions such as displacement and travel allowances, medical care, and adequate

housing and sanitation facilities. It has further mandated employers and contractors to register their businesses and industries and to maintain proper employment records, leading to legal accountability and transparency.

However, despite such legislation being in force with its progressive objectives, the implementation of the Act still faces challenges. To elaborate, highlighted by Shyan Sundar (2019)³ and various other studies, there is ineffective enforcement, bureaucratic complexity, and weak inter-state coordination and communication that severely restricts its impact. Many businesses and industries remain unregistered, and contractors still operate informally to avoid compliance and other regulations, leaving a large number of workers excluded from statutory benefits and social security.

While migrant laborers were legally included in the wider scope of the Minimum Wages Act (1948), the Contract Labor (Regulation and Abolition) Act 1970, and the Employees' State Insurance Act, 1948, none of these laws contained mechanisms for the unique vulnerabilities present in a migrant or mobile workforce. The overlapping character of these laws was also detrimental to enforcement. Furthermore, the lack of portability of existing benefits, as well as no institutional arrangements for migration or state coordination, precluded the most legal protections from being materially effective.

In conclusion, despite the 1979 Act being one of the first attempts to acknowledge the requirement for a specific legal regime for migrant workers, its limited scope and lack of implementation made it inadequate to deal with the entrenched problems of informality, invisibility, and exclusion. The deficiencies of the past reinforce the urgent need for integrated technology-enabled and worker-centric governance systems that can deliver real and enforceable protection for migrant workers in India.

2.2 Labor Codes, 2020

The Occupational Safety, Health and Working Conditions Code (OSH Code), 2020, consolidated the provisions of the Inter-State Migrant Workmen Act (ISMW Act). It mandates the registration of establishments employing migrant workers and provides for journey allowances. However, its coverage is restricted to establishments exceeding specific

³ Shyam Sundar, K. R. (2019). Labour law reforms in India: Some critical perspectives. *Indian Journal of Industrial Relations*

employment thresholds, thereby excluding a vast segment of informal enterprises (Ministry of Labor and Employment, 2020)⁴.

The Code on Social Security, 2020, has extended its scope to include migrant workers and plans an AADHAAR card-linked system for welfare delivery for the migrant workers. However, the implementation is still lacking due to contributory eligibility criteria and fragmented data systems that decrease comprehensive coverage (NITI Aayog, 2022)⁵.

2.3 Judicial and Policy Interventions

In the case of *In Re: Problems and Miseries of Migrant Workers* (2021)⁶, the Supreme Court directed state governments to provide food and transport facilities and to ensure the implementation of the “One Nation, One Ration Card” (ONORC) scheme to encourage portability of entitlements. Although welfare schemes such as the Pradhan Mantri Garib Kalyan Yojana offered temporary assistance, these primarily excluded unregistered and informal migrant workers (Kumar, 2021)⁷.

3. Post-Pandemic Challenges

3.1 Social Security Gaps

Fragmentation continues to exist across schemes like the Employees' Provident Fund and Building and Other Construction Workers (BOCW) funds. Most migrants are excluded from coverage precisely because they work informally and in unstructured employment arrangements, and they frequently move (ILO, 2021)⁸.

Khan and Arokkiaraj (2021)⁹ noted that at the time of the pandemic, there were no appropriate data systems for migrant workers, and the overall registration for welfare programs was also low. Similarly, the research stated that only a limited number of construction migrants accessed the benefits provided by BOCW, suggesting administrative gaps and systemic exclusion of

⁴ Ministry of Labour and Employment: *The Occupational Safety, Health and Working Conditions Code, 2020*

⁵ NITI Aayog. (2022), *India's booming gig and platform economy*. Government of India.

⁶ Supreme Court of India. (2021). *In Re: Problems and Miseries of Migrant Workers, (2021)* 6 SCC 481.

⁷ Kumar, A. (2021). COVID-19 and migrant workers: The challenges of social protection in India. *Economic & Political Weekly*.

⁸ *Supra note 1*

⁹ Khan et al. (2021). The crisis of internal migration and social protection in India during COVID-19. *Social Sciences*

migrant workers that present as a barrier for the workers to access social protection.

3.2 Employment Precarity

Migrant workers usually lack contracts, which in turn makes them vulnerable to wage theft, sudden dismissal, and unsafe working conditions (Bhagat et al., 2020)¹⁰.

Studies have found that both internal and international migrants faced rampant wage theft and forced retrenchment during the COVID-19 lockdown. Many were left unpaid for months and deprived of food and shelter. Their findings also underscored that over 70% of migrant workers in the non-agricultural sector lack written job contracts and 50% are excluded from social security coverage, intensifying their employment precarity.

3.3 Exclusion from Healthcare and Housing

Pandemic conditions revealed systemic exclusion of migrants from urban healthcare and affordable housing, leading to mass displacement (Deshingkar, 2021)¹¹.

According to Khan and Arokkiaraj (2021)¹², internal migrants returning to their home state are forced to stay in unsanitary shelters and quarantine facilities with a lack of adequate food, electricity, and water. Many migrants faced stigmatization once they returned, since they were being perceived as virus carriers. Their study further revealed that migrant workers had little access to public healthcare and safe housing in destination cities, rendering them extremely vulnerable during lockdowns.

3.4 Weak Enforcement

Labor inspectorates are understaffed, while the Digital India excludes illiterate or digitally disconnected migrants (Shyam Sundar, 2021)¹³.

Khan and Arokkiaraj (2021)¹⁴ documented similar exclusion, finding that the lack of

¹⁰ Bhagat, R. B., et al (2020). The COVID-19, migration and livelihood in India: Challenges and policy issues. *Migration Letters*

¹¹ Deshingkar, P., & Akter, S. (2021). Migration and COVID-19: Vulnerability, inequality and resilience. *Comparative Migration Studies*

¹² *Supra* Note 9

¹³ Shyam Sundar, K. R. (2021). Migrant workers and labour law in India during COVID-19. *Journal of Social and Economic Policy*

¹⁴ *Supra* Note 9

coordination between central and state governments during the lockdown led to contradictory measures and administrative failure. Many migrants could not have access to government schemes due to the online-only registration process and the absence of digital literacy. This week's enforcement, which is combined with the absence of monitoring mechanisms, left migrants unprotected and outside the reach of legal safeguards.

4. Psychological Dimensions

4.1 Trauma and Mental Health Impacts

There were widespread reports of depression, anxiety, and suicide among migrant workers (Choudhari, 2020)¹⁵. Migrant workers were further stigmatized by being labeled as “virus carriers”, which alienated them further.

Further, the research paper observed that the migrants faced peri-traumatic distress during the lockdown, which led to employment, a lack of adequate food, and social isolation. Many migrants also reported facing symptoms of depression and anxiety. The study emphasized that the combination of stigmatization, exclusion, and limited access to mental health services rendered migrant workers one of the most psychologically vulnerable groups during the pandemic.

4.2 Chronic Stress and Precarity

The lack of stable income and job security fosters chronic stress, undermining resilience and productivity (Singh & Singh, 2021)¹⁶.

The joblessness of migrant workers prolonged their financial hardships and increased psychological strain among migrants. The migrants who stayed back and continued working also faced burnout due to excessive workload and unsafe conditions. This ongoing economic and occupational insecurity fosters a sustained state of stress, increasing vulnerability to long-term mental health conditions such as anxiety and depression.

¹⁵ Choudhari, R. (2020). COVID-19 pandemic: Mental health challenges of internal migrant workers of India. *Asian Journal of Psychiatry*

¹⁶ Singh et Singh, (2021). Psychological impact of COVID-19 pandemic on migrant workers in India. *International Journal of Social Psychiatry*

4.3 Family Separation and Identity Struggles

Prolonged separation from families and hostile treatment in host states affected social identity and belonging (Rajan, Sivakumar, & Srinivasan, 2020)¹⁷.

According to Choudhari (2020)¹⁸, during lockdown, most migrant workers were staying away from family, hence the lack of family support led to an increased sense of grief, loneliness and helplessness. The inability to assist or even connect with family members, coupled with social rejection in urban spaces, further increases the feeling of alienation. This often leads to cultural disconnection, identity conflict, and profound loss of belonging. This was seen particularly among male migrants living away from kinship and community networks.

5. Intersection of Labor Law and Rights

The protection of migrant workers is rooted in constitutional guarantees under Articles 14, 15, and 21, which uphold equality, non-discrimination, and the right to life with dignity. The Directive Principle of the state policy further underscores the state's responsibility to ensure living wages and social security for all workers. At the international level, India's obligations under the International Covenant on Economic, Social, and Cultural Rights and various ILO conventions on migrant labor reinforce these commitments to safeguard the rights and welfare of migrant workers.

6. Policy Recommendations

Comprehensive policy reforms are essential to ensure the protection and well-being of migrant workers in India.

Legal reforms should prioritize expanding the definitions within the Labor Code to explicitly include self-employed and informal migrant workers who currently fall outside regulatory frameworks. The state must also ensure the mandatory portability of welfare benefits across regions, enabling migrants to access entitlements such as health issues, provident funds, and social assistance regardless of their location or employer.

¹⁷ Rajan et al. (2020). The COVID-19 pandemic and internal labour migration in India: A "crisis of mobility". *Indian Journal of Labour Economics*

¹⁸ *Supra* note 12

In terms of social security, the pressing need is to integrate worker data across states to enable seamless identification and benefit transfer. Simplifying the AADHAAR card-linked mechanism is equally important to minimize the exclusion caused by any technical and documentation challenges. This would assist in building a unified and accessible welfare system that reaches all categories of migrant workers.

In terms of addressing mental health concerns, establishing counselor and psychological support within labor welfare boards can assist in identifying and managing psychological distress among workers. Integrating mental health services into the broader urban public health systems would ensure sustainable access to care for migrants experiencing stress, trauma, and alienation.

Furthermore, focusing on housing and healthcare access is vital for improving living conditions. Governments should reserve quotas for migrant workers in affordable housing schemes and strengthen primary healthcare infrastructure, making it more accessible.

7. Conclusion

The pandemic exposed the deep vulnerabilities of India's migrant workforce, revealing major gaps in social protection, legal enforcement, and welfare delivery. Despite their crucial role in driving the economy, migrant workers remain largely excluded from formal labor systems and mental health support.

The labor laws have made progress; however, their limited scope and weak implementation continue to leave migrants working in the informal sector without any protection. Additionally, the psychological toll adds to the feelings of vulnerability and alienation, furthermore emphasizing the human cost of the neglect that they face.

In conclusion, India is recommended to adopt an inclusive and rights-based approach, which can help strengthen welfare portability, increase institutional capacity, and help the migrants access healthcare needs along with a safe household. Ensuring equality, dignity, and security for migrant workers is essential to realizing the constitutional vision of social justice and inclusive growth.